



2010 California Rules of Court

Rule 5.663. Responsibilities of children's counsel in delinquency proceedings (§§ 202, 265, 633, 634, 634.6, 679, 700)

(a) Purpose

This rule is designed to ensure public safety and the protection of the child's best interest at every stage of the delinquency proceedings by clarifying the role of the child's counsel in delinquency proceedings. This rule is not intended to affect any substantive duty imposed on counsel by existing civil standards or professional discipline standards.

(b) Responsibilities of counsel

A child's counsel is charged in general with defending the child against the allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest.

(c) Right to representation

A child is entitled to have the child's interests represented by counsel at every stage of the proceedings, including postdispositional hearings. Counsel must continue to represent the child unless relieved by the court on the substitution of other counsel or for cause.

(Subd (c) amended effective January 1, 2007.)

(d) Limits to responsibilities

A child's counsel is not required:

- (1) To assume the responsibilities of a probation officer, social worker, parent, or guardian;
- (2) To provide nonlegal services to the child; or
- (3) To represent the child in any proceedings outside of the delinquency proceedings.

(Subd (d) amended effective January 1, 2007.)

Rule 5.663 amended and renumbered effective January 1, 2007; adopted as rule 1479 effective July 1, 2004.

